IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2446 OF 2006
IN
SUIT NO.48 OF 1988

Rajani R. Modi ....Plaintiff
V/s.
M/s.Rajesh Art Printers Pvt.Ltd. & Ors.....Defendants
And
The Official Assignee,
High Court, Bombay ....Respondent

Mr.Darshan Mehta i/b M/s.Dhruve Liladhar & Co. for Defendant Nos.1 and 2 in support.

Mr.P.N. Patwardhan for the Plaintiff.

CORAM : S.J. VAZIFDAR, J.
DATED : 20TH NOVEMBER, 2006.

P.C. :

1. In view of the order of the Supreme Court in a connected matter, the Defendants are permitted to file the written statement. The same is taken on record subject however to the payment of costs fixed at Rs.25,000/- within six weeks from today. The costs are fixed at Rs.25,000/- only in view of the Defendant also being required to pay the costs of the Commissioner for taking evidence.

2. The parties have agreed to have evidence

recorded by the Commissioner for taking evidence. Ms.Jerestine Sidhwa is appointed as a Commissioner for taking evidence.

3. The evidence shall be recorded obviously after the issues are framed.

4. The affidavit of documents within eight weeks. Discovery and inspection forthwith thereafter.

5. The costs of the Commissioner shall be paid only by the Defendants absolutely and irrespective of the outcome of the suit.

6. The parties may file the affidavits in lieu of examination in chief and documents before the Commissioner who will record the objections, if any, thereto. The parties are at liberty to cross-examine the witnesses without prejudice to such objections.

7. The Notice of Motion is accordingly disposed of.